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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/10/2008
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MEMO ENDORSED

July 8, 2008

VIA FACSIMILE (212) 805-7906
AND FIRST CLASS MAIL
Honorable Denny Chin
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Plaintiff's deposition shall proceed on 8/8/08, as scheduled. The settlement conference will take place on 8/12/08. The

Re: Lee v. Schragger, et. al.
Docket #: 08-CV-3421 (DC)

claims representative

Dear Judge Chin:

To the extent defense counsel's letter warrants a reply, no lawyer needs certified records to conduct a deposition. The defense lawyer in this case already has all of Dr. Lee's medical records. Every record we receive, we turn over forthwith.

is welcome, but per presence is not required.

Next, Dr. Lee is coming to New York because the Court ordered the parties to proceed, this summer, with depositions, physical examinations, and a settlement conference. The Lee's are not coming to New York for any other purpose. Dr. Lee is extremely anxious about making this trip.

I expect defense

By next week, we will be prepared to serve defense counsel with a complete Rule 26 expert disclosure from our economist setting forth the extent of Dr. Lee's lost earnings. This disclosure will include certified translations of all financial records upon which our economist shall rely.

counsel,

Local Civil Rule 83.12(j) provides that when parties agree to Alternative Dispute Resolution, the mediator (in this case the Court) has the authority to require the attendance of a claims examiner with "full settlement authority". Inasmuch as defendants' claims examiner, Ms. Daley, has full settlement authority for both defendants' underlying (\$1 million) and excess (at least another \$2 million) policies, we submit that the most meaningful use of the Court's time would require the attendance of both defense counsel and his claims examiner.

however, to have meaningful authority.

In the weeks since our conference, my colleagues and I have worked feverishly to meet the deadlines set by the Court, and we simply ask that defense counsel be directed to do the same.

SO ORDERED,

Respectfully submitted,
ROBINSON & YABLON, P.C.
Andrew M. Laskin (AL9379)

[Signature]

AML/sbc
cc: Jason A. Buskin, Esq.

*WDS
7/10/08*